

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:23-cv-00381-RJC-DCK**

BRENDEN ZENI, )  
                        )  
Plaintiff,         )  
                        )  
v.                    )  
                        )  
TEACHERS INSURANCE AND )  
ANNUITY ASSOCIATION OF )  
AMERICA; NUVEEN, LLC; and )  
NUVEEN SERVICES, LLC, )  
                        )  
Defendants.       )

**ORDER**

**THIS MATTER** is before the Court on Defendants' Partial Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), (Doc. No. 5), and the parties' Proposed Consent Order, (Doc. No. 10).<sup>1</sup> The Court, having reviewed the motion and having considered the consent of the parties as evidenced by the signature of the parties' counsel to the Proposed Consent Order, **GRANTS** Defendants' Partial Motion to Dismiss. (Doc. No. 5).

**IT IS, THEREFORE, ORDERED** that:

1. Defendants' Partial Motion to Dismiss, (Doc. No. 5), is **GRANTED**;
2. Plaintiff's claim for retaliation (Second Cause of Action) is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Procedure 12(b)(6);

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<sup>1</sup> On September 7, 2023, Plaintiff's Attorney, Austin A. Backus, submitted the parties' Proposed Consent Order via CyberClerk. On March 27, 2024, the Clerk of Court docketed the Proposed Consent Order, (Doc. No. 10), at the Court's direction.

3. Defendants shall file their Answer to the remaining claims within fourteen (14) days.

Signed: March 29, 2024



Robert J. Conrad, Jr.  
United States District Judge

